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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,373	05/25/2001	Richard L. Schwartz	073612.0108	4418

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EXAMINER

PHILLIPS, HASSAN A

ART UNIT PAPER NUMBER

2151

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,373

Applicant(s)

SCHWARTZ ET AL.

Examiner

Hassan Phillips

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,9-47,49-52 and 55-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,9-47,49-52 and 55-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/15/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to communications filed on December 15, 2005.

Claim Rejections - 35 USC § 101

2. After consideration of the amendments made to claim 79 to direct the claimed invention to statutory subject matter, Examiner has withdrawn the rejection to claim 79 under 35 U.S.C 101.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 3-6, 9-47, 49-52 and 55-101, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 33, 47, 79, 93, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson et al. (hereinafter Gudjonsson), U.S. Patent 6,564,261 in view of Kimura U.S. Patent 5,758,280, (see Applicant's IDS).

6. In considering claims 1, 47, and 93, Gudjonsson teaches a method, program product, and apparatus capable of: facilitating a mediated communication session between a first communication device directly interfaced by a first user and a second communication device directly interfaced by a second user, wherein facilitating the mediated communication session includes receiving from the first communication device a request for implementing an interactive communication session with the second user, (col. 24, lines 32-41); receiving from the second user via the second communication device a reply for accepting the request, (col. 24, line 47 through col. 25, line 5); and in response to receiving the reply for accepting the requests implementing the interactive communication session between the first communication device and a third communication device directly interfaced by the second user, the interactive communication session enabling the second user to communicate with the first user via the third communication device, (col. 24, line 47 through col. 25, line 5).

Although the teachings of Gudjonsson show substantial features of the claimed invention, they fail to expressly disclose: the second user selecting the reply from at least one response displayed on the second communication device.

Nevertheless, in a similar field of endeavor, Kimura teaches a second user selecting a reply from at least one response displayed on a second communication device, (col. 1, lines 55-67).

Thus, given the teachings of Kimura it would have been obvious to a person of ordinary skill in the art to modify the teachings of Gudjonsson to show the second user selecting the reply from at least one response displayed on the second communication

device. This would have advantageously allowed for the second user to send a necessary reply meant only for the first user, (Kimura, col. 1, lines 51-54).

7. In considering claims 33, and 79, Gudjonsson teaches a method and a data processor program product, comprising: facilitating a voice-based mediated communication session between a first communication device directly interfaced by a first user and a second communication device directly interfaced by a second user, wherein facilitating the mediated communication session includes receiving from the first communication device a request for implementing an interactive communication session with the second user, (col. 24, lines 32-41); receiving from the second user a reply for accepting the request via the second communication device, (col. 24, line 47 through col. 25, line 5); implementing the text-based interactive communication session between the first communication device and a third communication device directly interfaced by the second user in response to receiving the reply for accepting the request, the interactive communication session enabling the second user to communicate with the first user via the third communication device, (col. 24, line 47 through col. 25, line 5); and managing the interactive communication session between the first communication device and the third communication device after performing an operation for implementing the interactive communication session, (Table 1, col. 15).

Although the teachings of Gudjonsson show substantial features of the claimed invention, they fail to expressly disclose: the second user selecting the reply from at least one response displayed on the second communication device.

Nevertheless, in a similar field of endeavor, Kimura teaches a second user selecting a reply from at least one response displayed on a second communication device, (col. 1, lines 55-67).

Thus, given the teachings of Kimura it would have been obvious to a person of ordinary skill in the art to modify the teachings of Gudjonsson to show the second user selecting the reply from at least one response displayed on the second communication device. This would have advantageously allowed for the second user to send a necessary reply meant only for the first user, (Kimura, col. 1, lines 51-54).

8. Claims 1, 3-6, 9-47, 49-52, and 55-101, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay et al. (hereinafter Kay), U.S. Patent 6,430,602, in view of Gudjonsson, and further in view of Kimura.

9. In considering claims 1, 47, and 93, Kay teaches a method, program product, and apparatus capable of: facilitating a mediated communication session between a first communication device directly interfaced by a first user and a second communication device, wherein facilitating the mediated communication session includes receiving a request for implementing an interactive communication session, (col. 4, line 58 through col. 6, line 42); receiving a reply for accepting the request, (col. 4, line 58 through col. 6, line 42); and implementing the interactive communication session between the first communication device and a third communication device in response to receiving the reply for accepting the request, (col. 4, line 58 through col. 6, line 42).

Although the teachings of Kay show substantial features of the claimed invention, they fail to expressly disclose: implementing an interaction with a second user directly interfaced with the second communication device.

Nevertheless, Gudjonsson teaches implementing an interaction with a second user directly interfaced with a second communication device, (col. 24, line 32 through col. 25, line 5).

Thus it would have been obvious to a person of ordinary skill in the art to modify the teachings of Kay to show the first user of the first communication device requesting an interactive communication with a second user directly interfaced with the second communication device. This would have enhanced the teachings of Kay by allowing the first user to communicate with a second user (Kay, col. 1, lines 43-48) without having to know the device being used by the second user, (Gudjonsson col. 3, lines 46-63).

Although the modified teachings of Kay show substantial features of the claimed invention, they further fail to expressly disclose: the second user selecting the reply from at least one response displayed on the second communication device.

Nevertheless, in a similar field of endeavor, Kimura teaches a second user selecting a reply from at least one response displayed on a second communication device, (col. 1, lines 55-67).

Thus, given the teachings of Kimura it would have been obvious to a person of ordinary skill in the art to further modify the teachings of Kay to show the second user selecting the reply from at least one response displayed on the second communication

device. This would have advantageously allowed for the second user to send a necessary reply meant only for the first user, (Kimura, col. 1, lines 51-54).

10. In considering claims 3, 34, 49, 80, and 100, Kay provides a means for receiving the request for implementing from the first communication device including receiving the request for implementing from a wireless communication device capable of transmitting and receiving data packets. See col. 4, lines 58-67, col. 5, lines 1-7.

11. In considering claims 4, 35, 50, 81, and 101, Gudjonsson teaches receiving the reply for accepting the request from a wireless communication device capable of transmitting and receiving data packets, (col. 7, line 35 through col. 8, line 2). One of ordinary skill in the art would combine the teachings of Kay with Gudjonsson for the same reasons indicated in claims 1, 47, and 93.

12. In considering claims 5, and 51, Gudjonsson teaches facilitating a voice-based mediated communication session and implementing an interactive communication session including implementing a text-based interactive communication session, (col. 24, line 32 through col. 25, line 20). One of ordinary skill in the art would combine the teachings of Kay with Gudjonsson for the same reasons indicated in claims 1, 47, and 93.

13. In considering claims 6, 36, 52, and 82, Gudjonsson teaches facilitating a text-based mediated communication session between a mediation system and the first communication device, (col. 24, line 32 through col. 25, line 20); and facilitating voice-based communication between the mediation system and the second communication device, (col. 24, line 32 through col. 25, line 20). One of ordinary skill in the art would combine the teachings of Kay with Gudjonsson for the same reasons indicated in claims 1, 47, and 93.

14. In considering claims 9, and 55, Kay teaches preparing log-in information for the interactive communication session; transmitting the log-in information to the second communication device; receiving the log-in information from the third communication device, and authenticating the log-in information. See col.10, lines 8-57.

15. In considering claims 10, and 56, Kay teaches generating a passcode. See col.10, lines 8-57.

16. In considering claims 11, and 57, Kay teaches generating a chronologically referenced passcode; and authenticating the log-in information including determining an elapsed period of time from when the chronologically referenced passcode was generated and verifying that the elapsed period of time is less than a prescribed validation period for which the passcode is valid. See col.10, lines 8-57.

17. In considering claims 12, and 58, it is implicit in the teachings of Kay that a time-stamped passcode is generated. See col.10, lines 8-57.

18. In considering claims 13, and 59, Kay teaches receiving the request for implementing including receiving the request for implementing from the first communication device wherein the first communication device is a mediated party communication device; and preparing the log-in information including receiving a mediated party-specified passcode from the first communication device. See col.10, lines 8-57.

19. In considering claims 14, and 60, Kay teaches receiving the request for implementing including receiving the request for implementing from the first communication device wherein the first communication device is a mediated subscriber communication device; and preparing the log-in information including receiving a mediated subscriber-specified passcode from the first communication device. See col.10, lines 8-57.

20. In considering claims 15, and 61, Kay teaches generating an interactive communication session log-in address. See col.10, lines 8-57.

21. In considering claims 16, 39, 62, and 85, Kay teaches generating a unique communication network log-in address. See col.10, lines 8-57.

22. In considering claims 17, 40, 63, and 86, Kay teaches generating a mediation subscriber specific Internet website address. See col.10, lines 8-57.

23. In considering claims 18, and 64, Kay teaches transmitting a text session authorization notification to an interactive communication session system after authenticating the log-in information. See col.10, lines 8-57.

24. In considering claims 19, and 65, Kay teaches invalidating the passcode after a prescribed validation period elapses. See col.10, lines 8-57.

25. In considering claims 20, and 66, Kay teaches invalidating the passcode after implementing the interactive communication session. See col.10, lines 8-57.

26. In considering claims 21, and 67, Kay teaches managing the interactive communication session between the first communication device and the third communication device after performing an operation for implementing the interactive communication session. See col.6, line 43, through col. 8, line 18.

27. In considering claims 22, and 68, although Kay shows substantial features of the claimed invention, Kay fails to expressly disclose: receiving a communication session authorization notification.

Nevertheless, Kay does teach: authorized users receiving a notification in response to another authorized user logging into a network for the purpose of implementing an interactive communication session, col. 1, lines 43-58.

Furthermore, as indicated by Kay, receiving notifications for the purpose of implementing an interactive communication session was well known in the art at the time of the present invention. Thus, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Kay to show receiving an interactive communication session authorization notification in response to implementing the interactive communication session. This would have provided a secure means for implementing an interactive communication session by letting the user know that the user is authorized and ready to begin a communication session. This also would have assured the user that the communication session was safe from access by unauthorized users, Kay, col.10, lines 8-57.

28. In considering claims 23, 41, 69, and 87, Gudjonsson teaches displaying a textual dialog interface on a visual display of a third communication device, (col. 24, line 32 through col. 25, line 20); and displaying a dialog response on a visual display of the first communication device, (col. 24, line 32 through col. 25, line 20). One of ordinary skill in the art would combine the teachings of Kay with Gudjonsson for the same reasons indicated in claims 1, 47, and 93.

29. In considering claims 24, 42, 70, and 88, Kay teaches displaying a text entry field for enabling a text message to be composed and a dialog thread field for displaying textual dialog between the first and third communication devices. See col. 5, line 8, through col. 7, line 35.

30. In considering claims 25, 43, 71, and 89, Kay teaches the dialog response including displaying a predefined dialog response. See col. 7, lines 36-59.

31. In considering claims 26, and 72, the teachings of Kay provide a means for displaying a dialog response for responding in the affirmative manner to a textual message. See col. 7, lines 36-59.

32. In considering claims 27, and 73, the teachings of Kay provide a means for displaying a dialog response for responding in a negative manner to a textual message. See col. 7, lines 36-59.

33. In considering claims 28, and 74, the teachings of Kay provide a means for displaying a dialog response for responding that a response to the textual message will be momentarily delayed. See col. 7, lines 36-59.

34. In considering claims 29, and 75, Kay teaches displaying a contextual response message associated with a context of a textual message. See col. 7, lines 36-59.

35. In considering claims 30, 45, 76, and 91, Kay teaches displaying the contextual response message including analyzing at least a portion of the textual message. See col. 7, lines 36-59.

36. In considering claims 31, and 77, the teachings of Kay provide a means for displaying an action-based response for initiating a system-implemented action. See col. 7, lines 36-59.

37. In considering claims 32, 46, 78, and 92, the teachings of Kay provide a means for displaying a response for initiating a transfer from the interactive communication session to a telephonic communication session. See col. 7, lines 36-59.

38. In considering claims 33, and 79, Kay teaches a method, and data processor program product, comprising: facilitating a mediated communication session between a first communication device directly interfaced by a first user and a second communication device, wherein facilitating the mediated communication session includes receiving a request for implementing a text-based interactive communication session (col. 4, line 58 through col. 8, line 18); receiving a reply for accepting the

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request (col. 4, line 58 through col. 8, line 18); and implementing the text-based interactive communication session between the first communication device and a third communication device in response to receiving the reply for accepting the request (col. 4, line 58 through col. 8, line 18); and managing the interactive communication session between the first communication device and the third communication device after performing an operation for implementing the interactive communication session, (col. 4, line 58 through col. 8, line 18).

Although Kay shows substantial features of the claimed invention, Kay fails to expressly disclose: facilitating a voice based communication session with a second user directly interfaced with the second communication device.

Nevertheless, Gudjonsson teaches facilitating a voice-based communication session with a second user directly interfaced with a second communication device, (col. 24, line 32 through col. 25, line 5).

Thus it would have been obvious to a person of ordinary skill in the art to modify the teachings of Kay to show the first user of the first communication device facilitating a voice based communication session with a second user directly interfaced with the second communication device. This would have enhanced the teachings of Kay by allowing the first user to communicate with a second user (Kay, col. 1, lines 43-48) without having to know the device being used by the second user, (Gudjonsson col. 3, lines 46-63).

Although the modified teachings of Kay show substantial features of the claimed invention, they fail to further expressly disclose: the second user selecting the reply from at least one response displayed on the second communication device.

Nevertheless, in a similar field of endeavor, Kimura teaches a second user selecting a reply from at least one response displayed on a second communication device, (col. 1, lines 55-67).

Thus, given the teachings of Kimura it would have been obvious to a person of ordinary skill in the art to further modify the teachings of Kay to show the second user selecting the reply from at least one response displayed on the second communication device. This would have advantageously allowed for the second user to send a necessary reply meant only for the first user, (Kimura, col. 1, lines 51-54).

39. In considering claims 37, and 83, Kay teaches generating a passcode and an interactive communication session log-in address for the interactive communication session; transmitting the passcode and the interactive communication session log-in address to the second communication device; receiving the passcode from the third communication device; and authenticating the passcode. See col.10, lines 8-57.

40. In considering claims 38, and 84, Kay teaches preparing generating the passcode including generating a time-stamped passcode; and authenticating the passcode including determining an elapsed period of time from when the time-stamped passcode was generated and verifying that the elapsed period of time is less than a

prescribed validation period for which the time-stamped passcode is valid. See col.10, lines 8-57.

41. In considering claims 44, and 90, the teachings of Kay provide a means for displaying the predefined dialog response including selecting the predefined dialog response from a group of predefined dialog responses including a dialog response for responding in the affirmative manner to a textual message, a dialog response for responding in a negative manner to a textual message, and a dialog response for responding that a response to the textual message will be momentarily delayed. See col. 7, lines 36-59.

42. In considering claims 94-97, Kay teaches facilitating the mediated communication session; receiving the reply for accepting the request; and implementing the interactive communication session. See col. 4, lines 58-67, col. 5, lines 1-7.

43. In considering claim 98, Kay teaches managing the interactive communication session. See col. 6, line 43, through col. 8, line18.

44. In considering claim 99, Kay teaches receiving the request for implementing including receiving the request for implementing from the first communication device; and receiving the reply for accepting the request including receiving the reply for

accepting the request from the second communication device. See col. 4, lines 58-67, col. 5, lines 1-7.

Conclusion

45. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

46. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER